

Amendment Under 37 C.F.R. § 1.111
U.S.S.N.: 09/786,854
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IN THE DRAWINGS:

Please amend Figs. 14A and 15A, as shown in the attached marked-ed copy of Figs. 14A and 15A. Replacement Sheet for Figs. 14A and 15A are also attached hereto.

REMARKS

Claims 1, 3-8 and 10-18 are pending in the present application.

I. FORMAL MATTERS

Applicant notes with appreciation that the Office Action acknowledges the claim to priority and indicates that the certified copies of the priority documents have been received.

Applicant notes with appreciation that the Office Action indicates that claims 14-18 now have been examined, as we requested in the amendment filed on December 27, 2005.

Claim 18 is objected to for a minor informality. Applicant submits that this objection easily can be overcome by deleting the "." in line 4 of claim 8. Applicant will submit a Supplemental Amendment in due course to make this change to claim 18.

Applicant notes with appreciation that the Office Action acknowledges the claim to priority and indicates that the certified copies of the priority documents have been received, as we requested in the Amendment filed on December 27, 2005.

Applicant notes with appreciation that the Office Action indicates that the drawings filed on June 13, 2001 are acceptable, as requested in the Amendment filed on December 27, 2005.

Applicant notes with appreciation that the Office Action includes a copy of the PTO Form SB/08a/b that we submitted with the Information Disclosure Statement filed on January 20, 2006. The references listed therein are initialed by the Examiner, thereby indicating that these references were considered and should be listed on the face of any patent that issues from the present application.

II. PRIOR ART REJECTION

A. Claims 1, 3-8, and 10-16

Claims 1, 3-8, and 10-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over USP 5,819,290 (Fujita) in view of USP 5,703,997 (Kitamura). This rejection is traversed.

The Examiner's reasoning is substantially the same as that of the first office action dated August 25, 2005, with the substitution of the Kitamura reference for the Yanagihara reference (USP 6,763,037). Specifically, the Examiner asserts that Fujita discloses all of the elements of claims 1, 3-8 and 10-16 except a file further having control information. Relying on column 9,

lines 35-65 and Fig. 9, the Examiner asserts that Kitamura teaches a recording/reproducing apparatus having means for generating control information and adding the control information to the data as header information used for controlling the data. The Examiner further asserts that it would have been obvious to modify Fujita with the teachings of Kitamura by providing the Fujita apparatus with a control information recording means for recording information together with the data file to thereby enhance the capacity of the device of Fujita to accurately access the data.

The Examiner also asserts that column 9, lines 35-65 and Figs. 9 and 20 of Kitamura teaches the claimed dummy data writing means. Applicant respectfully submits that the Examiner's understanding of Kitamura is not correct. That is, Kitamura does not teach or suggest the claimed dummy data writing means.

Fujita does not make up for this deficiency of Kitamura. Therefore, the combination of Fujita and Kitamura does not form the claimed invention. Thus, the rejection of claims 1, 3-8 and 10-16 under 35 U.S.C. § 103(a) should be overcome.

In addition, Applicant submits that Kitamura is not relevant to the present invention. Kitamura is directed to solving the problems created when the recording medium has audio data representing English and other languages, and the English caption is turned off when other languages are

present. In particular, the problems are solved by preparing an additional English caption associated with the conversations of languages other than English and used when the main English caption is turned off. This is significantly different than the present invention, which is directed to efficiently writing a multimedia information file in a recording medium file at high speed.

Further, Applicant submits that according to at least one embodiment of the present invention, in recording one multimedia information file, the writing means for specifying a plurality of the specific areas of the data area being in an empty state capable of data writing for writing the data body and the control information that constitute the file respectively, and writing the data body and the control information in the specified empty areas in an arbitrary sequence in parallel and the claimed dummy data writing means are used in combination, as presented in the Amendment filed on December 27, 2005. Therefore, the multimedia information file can be recorded in a recording medium at high speed, which is a noticeable effect not entirely achieved by the cited references.

B. Claims 17-18

Claims 17-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitamura in view of USP 5,801,781 (Hiroshima). This rejection is traversed.

Again, Applicant submits that Kitamura is not relevant to the present invention because Kitamura is directed to solving the problems created the English caption is turned off and other languages are present. This is significantly different than the present invention, which is directed to efficiently writing a multimedia information file in a recording medium file at high speed. Also, Hiroshima is not relevant to the present invention, as it is directed to an apparatus for converting a motion picture stream from one international standard to another.

Therefore, the combination of Kitamura and Hiroshima does not form the present invention. Also, there would be no motivation to combine features of an apparatus for converting a motion picture stream from one international standard to another (i.e., Hiroshima) into a data recording apparatus capable of presenting a sub-picture at a proper timing according to the kind of audio data to be reproduced (i.e., Kitamura). Thus the rejection of claims 17-18 under 35 U.S.C. § 103(a) is improper and should be withdrawn.

Based on the foregoing, Applicant submits that the present application is in condition for allowance and allowance is respectfully solicited. If the Examiner believes that any of the outstanding issues could be resolved by a telephone conference, Applicant respectfully requests the Examiner to contact the undersigned at the telephone number listed below.

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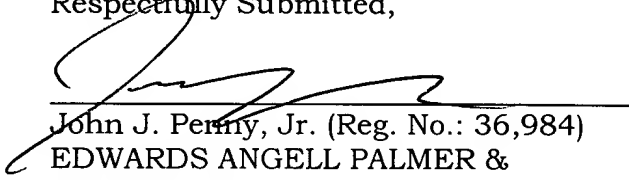
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Applicant believes that no additional fees are due for the subject application. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. 04-1105.

Respectfully Submitted,

Date: June 22, 2006

Customer No.: 21874


John J. Perry, Jr. (Reg. No.: 36,984)

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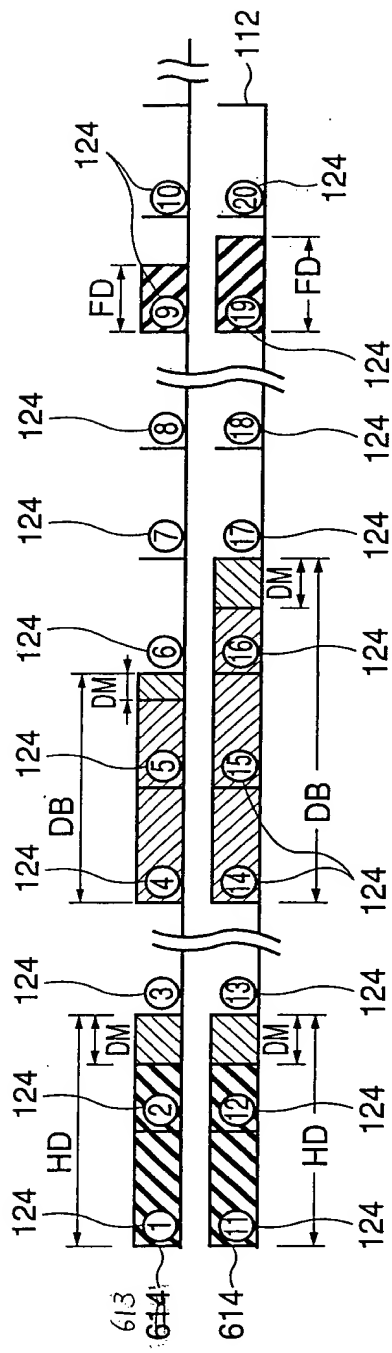


FIG. 14A

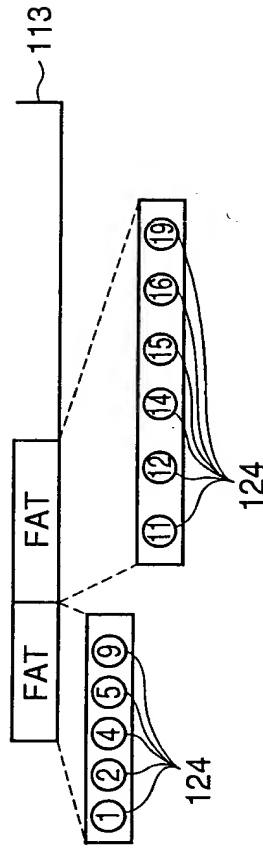


FIG. 14B

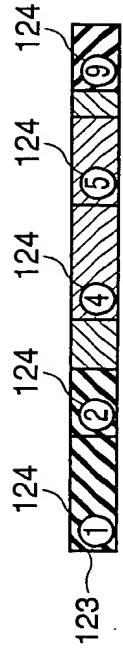


FIG. 14C

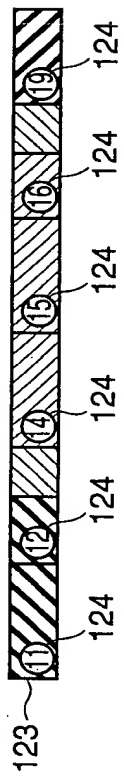
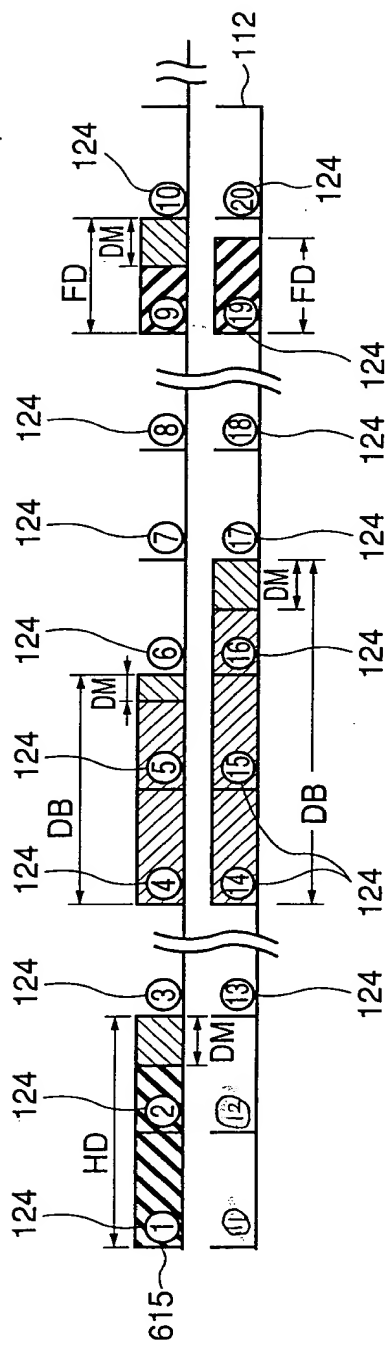


FIG. 14D



✓ FIG. 15A

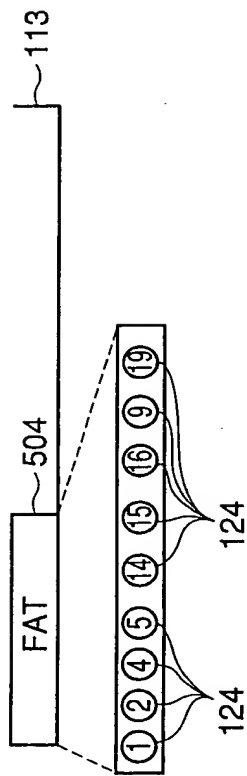


FIG. 15B

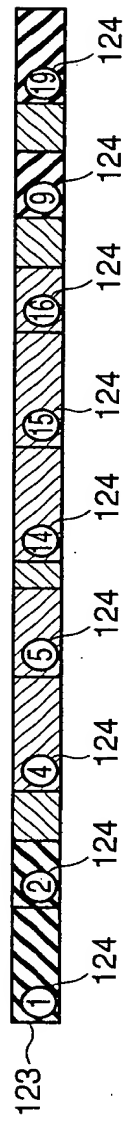


FIG. 15C